

DOCKET NO.: WARF-0071 (P98067US)
Application No.: 09/257,585
Office Action Dated: 11/5/02 And 3/25/03

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently amended) An isolated nucleic acid molecule encoding amino acid SEQ ID NO:4 from ~~Magnaporthe grisea strain 2539~~ comprising a segment of chromosome 1 approximately 1 kb in size and containing at least one open reading frame, the segment conferring rice cultivar CO39-specific avirulence to fungal plant pathogens that contain the nucleic acid, wherein the nucleic acid molecule hybridizes with SEQ ID NO:1 or its complement under hybridization conditions comprising hybridization for at least 6 hours at 42°C in 5X SSC, 5X Denhardt's reagent, 1.0% SDS, 100 µg/ml denatured, fragmented salmon sperm DNA, 0.05% sodium pyrophosphate and 50% formamide and washing conditions comprising 5 minutes at room temperature in 2X SSC and 1% SDS, followed by 15 minutes at room temperature in 2X SSC and 0.1% SDS; followed by 30 minutes to 1 hour at 37°C in 2X SSC and 0.1% SDS, followed by 2 hours at 55°C in 2X SSC and 0.1% SDS.

2. Canceled.

3. (Currently amended) The nucleic acid molecule of claim 1, comprising nucleotides 582-850 a portion of SEQ ID NO:1, wherein the portion is an open reading frame located between nucleotides 582 and 850.

(C) which encodes a polypeptide having the features of a polypeptide comprising SEQ ID NO:4.

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5. Canceled.

6. (Previously presented) A vector for transforming cells, comprising the nucleic acid molecule of claim 1.

7. (Previously presented) A fungal or bacterial cell transformed with the vector of claim 6.

8. Canceled.

9. (Currently amended) The ~~fungal or bacterial~~ cell of claim 7, which is an epiphytic bacterial cell.

10-24. Canceled

25. (Currently amended) A transgenic epiphytic bacterium comprising a construct comprising an isolated nucleic acid molecule that encodes amino acid SEQ ID NO:4 that ~~expresses a portion of an isolated nucleic acid molecule from Magnaporthe grisea strain 2539 comprising a segment of chromosome 1 approximately 1 kb in size and containing at least~~

~~one or more plant pathogens that contain the nucleic acid, wherein the nucleic acid molecule hybridizes with SEQ ID NO:1 or its complement under hybridization conditions comprising~~

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~~hybridization for at least 6 hours at 42°C in 5X SSC, 5X Denhardt's reagent, 1.0% SDS, 100 µg/ml denatured, fragmented salmon sperm DNA, 0.05% sodium pyrophosphate and 50% formamide and washing conditions comprising 5 minutes at room temperature in 2X SSC and 1% SDS, followed by 15 minutes at room temperature in 2X SSC and 0.1% SDS; followed by 30 minutes to 1 hour at 37°C in 2X SSC and 0.1% SDS, followed by 2 hours at 55°C in 2X SSC and 0.1% SDS.~~

26 - 29. Canceled.